

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FRONTIER COMMUNICATIONS  
CORPORATION, *et al.*,**

**Defendant,**

**2:10-cv-00265**

**GEOTAG INC.,**

**Plaintiff,**

**v.**

**YELLOWPAGES.COM, LLC, *et al.*,**

**Defendants,**

**2:10-cv-00272**

**GEOTAG INC.,**

**Plaintiff,**

**v.**

**GEORGIO ARMANI S.P.A.; *et al.*,**

**Defendants,**

**2:10-cv-00569**

**GEOTAG INC.,**

**Plaintiff,**

**v.**

**AROMATIQUE, INC.; *et al.*,**

**Defendants.**

**2:10-cv-00570**

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>GUCCI AMERICA, INC.; et al.,</b>  <b>Defendants,</b>	<b>2:10-cv-00571</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>STARBUCKS CORP.; et al.,</b>  <b>Defendants.</b>	<b>2:10-cv-00572</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>RENT-A-CENTER, INC.; et al.,</b>  <b>Defendants.</b>	<b>2:10-cv-00573</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>THE WESTERN UNION COMPANY; et al.,</b>  <b>Defendants.</b>	<b>2:10-cv-00574</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff.</b>  <b>v.</b>  <b>ROYAL PURPLE, INC.; et al.,</b>  <b>Defendants.</b>	<b>2:10-cv-00575</b>
<b>GEOTAG, INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>YAKIRA, L.L.C.; et al.,</b>  <b>Defendants.</b>	<b>2:10-cv-00587</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>WHERE 2 GET IT, INC.; et al.,</b>  <b>Defendants.</b>	<b>2:11-cv-00175</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>ZOOSK, INC.</b>  <b>Defendant.</b>	<b>2:11-cv-00403</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>EYE CARE CENTERS OF AMERICA, INC.</b>  <b>Defendant.</b>	<b>2:11-cv-00404</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>AMERCO, <i>et al.</i></b>  <b>Defendants.</b>	<b>2:11-cv-00421</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>7-ELEVEN, INC., <i>et al.</i>,</b>  <b>Defendants.</b>	<b>2:11-cv-00424</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>SUNBELT RENTALS, INC.</b>  <b>Defendant.</b>	<b>2:11-cv-00425</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CLASSIFIED VENTURES, LLC.</b>  <b>Defendant.</b>	<b>2:11-cv-00426</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CANON INC. and,</b> <b>CANON U.S.A., INC.,</b>  <b>Defendants,</b>	<b>2:12-cv-00043</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>AMERICAN APPAREL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00436</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>ABERCROMBIE &amp; FITCH CO.,</b>  <b>Defendant,</b>	<b>2:12-cv-00437</b>

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**AMERICAN EAGLE OUTFITTERS INC.,**

**Defendant,**

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**2:12-cv-00438**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**ANN INC.,**

**Defendant,**

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**2:12-cv-00439**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**BURLEIGH POINT LTD.,**

**Defendant,**

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**2:12-cv-00441**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**CATALOGUE VENTURES, INC.,**

**Defendant,**

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**2:12-cv-00442**

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>BURBERRY LIMITED,</b>  <b>Defendant,</b>	<b>2:12-cv-00443</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>BURLINGTON FACTORY WAREHOUSE CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00444</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CACHE INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00445</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>THE WILLIAM CARTER COMPANY,</b>  <b>Defendant,</b>	<b>2:12-cv-00446</b>

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**CHARMING SHOPPES INC.,**

**Defendant,**

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**2:12-cv-00447**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**CHICO'S FAS INC.,**

**Defendant,**

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**2:12-cv-00448**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**CITI TRENDS INC.,**

**Defendant,**

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**2:12-cv-00449**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**CLAIRE'S BOUTIQUES, INC.,**

**Defendant,**

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**2:12-cv-00450**



<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>COLDWATER CREEK INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00451</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DAVID’S BRIDAL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00452</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DEB SHOPS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00453</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DELIAS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00454</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DESTINATION MATERNITY CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00455</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DIESEL U.S.A. INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00456</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>DONNA KARAN INTERNATIONAL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00457</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>LVMH MOET HENNESSY LOUIS VUITTON INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00458</b>

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**DOTS, LLC,**

**Defendant,**

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**2:12-cv-00459**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**DRAPER'S & DAMON'S INC.,**

**Defendant,**

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**2:12-cv-00460**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**EDDIE BAUER LLC,**

**Defendant,**

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**2:12-cv-00461**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**ESPRIT US RETAIL LIMITED,**

**Defendant,**

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**2:12-cv-00462**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FACTORY CONNECTION LLC,**

**Defendant,**

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**2:12-cv-00463**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**THE FINISH LINE INC.,**

**Defendant,**

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**2:12-cv-00464**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FOREVER 21 RETAIL INC.,**

**Defendant,**

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**2:12-cv-00465**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FORMAL SPECIALISTS LTD.,**

**Defendant,**

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**2:12-cv-00466**

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>FREDERICK'S OF HOLLYWOOD STORES</b> <b>INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00467</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>GROUPE DYNAMITE, INC. D/B/A GARAGE,</b>  <b>Defendant,</b>	<b>2:12-cv-00468</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>GUESS? RETAIL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00469</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>H&amp;M HENNES &amp; MAURITZ LP,</b>  <b>Defendant,</b>	<b>2:12-cv-00470</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>HANESBRANDS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00471</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>HOT TOPIC INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00472</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>HUGO BOSS FASHION INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00473</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>J. CREW GROUP INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00474</b>

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**JIMMY JAZZ INC.,**

**Defendant,**

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**2:12-cv-00475**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**JOS. A. BANK CLOTHIERS INC.,**

**Defendant,**

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**2:12-cv-00476**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**ALCO STORES INC.**

**Defendant,**

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**2:12-cv-00477**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FRED'S INC.,**

**Defendant,**

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**2:12-cv-00478**

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>BAKERS FOOTWEAR GROUP,</b>  <b>Defendant,</b>	<b>2:12-cv-00479</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>BROWN SHOE COMPANY INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00480</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>COLLECTIVE BRANDS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00481</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>CROCS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00482</b>



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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**DSW INC. D/B/A DSW SHOE INC.,**

**Defendant,**

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**2:12-cv-00483**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**FLEET FEET INC.,**

**Defendant,**

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**2:12-cv-00484**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**GENESCO INC.,**

**Defendant,**

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**2:12-cv-00486**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**HEELY'S INC,**

**Defendant,**

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**2:12-cv-00487**

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>JUSTIN BOOT COMPANY,</b>  <b>Defendant,</b>	<b>2:12-cv-00488</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>AMERICAN GREETINGS CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00520</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>HALLMARK CARDS, INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00521</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>HICKORY FARMS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00522</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>SPENCER GIFTS LLC,</b>  <b>Defendant,</b>	<b>2:12-cv-00523</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>INTERNATIONAL COFFE &amp; TEA, LLC,</b>  <b>Defendant,</b>	<b>2:12-cv-00524</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>THINGS REMEMBERED, INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00525</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>THE YANKEE CANDLE COMPANY,</b>  <b>Defendant,</b>	<b>2:12-cv-00526</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>BOSE CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00527</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>GUITAR CENTER INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00528</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>PROGRESSIVE CONCEPTS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00529</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  v.  <b>24 HOUR FITNESS WORLDWIDE INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00530</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>BALLY TOTAL FITNESS CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00531</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>BARE ESCENTUALS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00532</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>BIOSCRIP INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00533</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CRABTREE &amp; EVELYN,</b>  <b>Defendant,</b>	<b>2:12-cv-00534</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>CURVES INTERNATIONAL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00535</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>GOLD'S GYM INTERNATIONAL INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00536</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>GREAT CLIPS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00537</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>L.A. FITNESS INTERNATIONAL LLC,</b>  <b>Defendant,</b>	<b>2:12-cv-00538</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>LIFE TIME FITNESS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00539</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>M.A.C. COSMETICS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00540</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>MERLE NORMAN COSMETICS,</b>  <b>Defendant,</b>	<b>2:12-cv-00541</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>VITAMIN COTTAGE NATURAL FOOD</b> <b>MARKETS, INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00542</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>REGIS CORPORATION,</b>  <b>Defendant,</b>	<b>2:12-cv-00543</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>SALLY BEAUTY SUPPLY LLC,</b>  <b>Defendant,</b>	<b>2:12-cv-00544</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>SEPHORA USA INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00545</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>TONI&amp;GUY USA, LLC,</b>  <b>Defendant,</b>	<b>2:12-cv-00546</b>



<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>ULTA SALON, COSMETICS &amp; FRAGRANCE INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00547</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>VITAMIN SHOPPE INDUSTRIES, INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00548</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>EYEMART EXPRESS, LTD.,</b>  <b>Defendant,</b>	<b>2:12-cv-00549</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>LUXOTTICA RETAIL MORTH AMERICA INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00550</b>

<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>NATIONAL VISION INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00551</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>U.S. VISION INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00552</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>WILD BIRDS UNLIMITED INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00553</b>
<b>GEOTAG INC.,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>JOS. A. BANK CLOTHIERS INC.,</b>  <b>Defendant,</b>	<b>2:12-cv-00554</b>

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**BUTH-NA-BODHAIGE INC.,**

**Defendant,**

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**2:12-cv-00555**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**PSP GROUP, LLC,**

**Defendant,**

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**2:12-cv-00556**

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**GEOTAG INC.,**

**Plaintiff,**

**v.**

**RITZ INTERACTIVE LLC,**

**Defendant,**

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**2:12-cv-00557**

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**WHERE 2 GET IT, INC.; *et al.*,**

**Plaintiff,**

**v.**

**GEOTAG INC.,**

**Defendant.**

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**2:12-cv-00149**

## **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Patent Rule 4-3 and the Court's First Amended Scheduling and Discovery Order dated August 31, 2012 ("Order"), Plaintiff GeoTag Inc. ("GeoTag") and Lead Defendant (designated pursuant to II ¶5 of the Order) on behalf of all defendants ("Defendants") hereby submit this Joint Claim Construction and Prehearing Statement ("Statement").

### **(a) Agreed Constructions**

The Parties were unable to agree on any proposed claim constructions.

### **(b) Disputed Constructions**

The following is a list of claim terms (and similar claim terms) that GeoTag and Defendants agree should be construed and on which the Parties do not agree on a construction:

- "hierarchy of geographical areas" (claims 1 and 20);
- "wherein said geographical areas are hierarchically organized" (claim 32)
- "database" (claims 1, 20, 26, 31)
- "a database of information organized into a hierarchy of geographical areas" (claim 1);  
"said database of information organized into a predetermine hierarchy of geographical areas" (claim 20);
- "organizing a database of on-line information into a plurality of geographic areas" (claim 31);
- "organizer" (claim 1);
- "on-line information" (claim 31)
- "entry" / "entries" (claims 1, 20, and 31);
- "entries corresponding to each one of said hierarchy of geographical areas is further organized into topics" (claim 1);  
"entries corresponding to each of said hierarchy of geographical area is further organized into topics" (claim 20);  
"organizing said entries corresponding to said plurality of geographical areas into one or more topics" (claim 31).

- “geographical search area” (claims 1, 20, and 31)
- “dynamically replicated” and “dynamically replicating” (claims 1, 20, and/or 31)
- “wherein within said hierarchy of geographic areas at least one of said entries associated with a broader geographical area is dynamically replicated into at least one narrower geographical area” (claim 1);  
“wherein at least one of said entries in said geographical area of relatively larger expanse is dynamically replicated into at least one of said geographical areas of smaller expanse” (claim 20); and
- “dynamically replicating an entry from broader geographical area into said geographic search area” (claim 31).

The following is a list of claim terms that GeoTag contends should be construed but for which Defendants contend no construction is required:

- “hierarchy” (claims 1, 5, 20, 32, and 35);  
“hierarchically organized” (claim 32)
- “search engine” (claims 1, 20, and 31)
- “said search engine further configured to select one of said hierarchy of geographical areas prior to selection of a topic so as to provide a geographical search area” (claim 1);
- “said search engine configured to select at least one geographical area in said hierarchy of geographical areas so as to define a geographical search area” (claim 20);
- “directing a search engine executing in a computer to select one or more of said geographical areas so as to select a geographical search area” (claim 31); and
- “replicated” and “replicating” (claims 1, 20, and/or 31).

The following is a list of claim terms that Defendants contend should be construed but for which GeoTag contends no construction is required:

- “data records” (claims 18, 24, 25, 36, and 38);
- “topics” and/or “topic” and/or “topically” (claims 1, 18, 20, 24, 31, 34, 36, 37, and 38);
- “narrower geographical area” and/or “geographical area of relatively smaller expanse” (claims 1, 20); and

- “broader geographical area” and/or “geographical area of relatively larger expanse” (claims 1, 20, 31).

Exhibit A contains Plaintiff GeoTag’s proposed claim constructions for the disputed terms, along with supporting intrinsic and extrinsic evidence. Exhibit B contains Defendants’ proposed claim constructions for the disputed terms, along with supporting intrinsic and extrinsic evidence.

**(c) Length of Time Needed for Claim Construction Hearing**

By its Order, the Court set the *Markman* hearing for January 24, 2013. The Parties believe that approximately four hours, two hours per side, will be needed for the *Markman* hearing.

**(d) Live Witnesses**

GeoTag does not intend to call any live witnesses at the hearing.

Defendants do not intend to call any live witnesses at the hearing.

**(e) Issues for Prehearing Conference**

The Parties do not submit any issues at this time for the Court’s consideration.

Dated: October 11, 2012

Respectfully Submitted

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**Designated "Lead Defendant"  
for Claim Construction**

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PERFUMES, LLC,  
CRABTREE & EVELYN,  
LTD., DONNA KARAN  
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**ATTORNEYS FOR  
PLAINTIFF GEOTAG INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on October 11, 2012, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Andrew W. Spangler  
Andrew W. Spangler